ECCLESIA LAW

FCA V IAIN CLIFFORD [STAMP]

JURISDICTIONAL NULLITY AND PROCEDURAL ABUSE

R V STAMP ORDER 34/2023

3rd March 2026

The following report provides a comprehensive forensic analysis for the Court of Appeal regarding the prosecution of the Appellant by the Financial Conduct Authority (FCA). By applying the strategic principles of 'The Art of Legal Warfare,' this analysis identifies structural failures in the FCA's case that render the proceedings a jurisdictional nullity. The core of this strategy, the 'Technical Knockout,' focuses on immediate, objective procedural violations rather than complex substantive fraud allegations, as these procedural gaps provide the court with an absolute mandate to strike out the case today. The report demonstrates that the FCA has failed in its duty as a 'Minister of Justice,' has approached the court with 'Unclean Hands' arising from a retaliatory vendetta linked to the HBOS fraud cover-up, the Arck Estrella whistleblowing, and the 2017 UKITI precursor, and has engaged in 'Procedural Abuse' through an entrapment-by-design order. These findings are further compounded by fatal technical failures regarding the authority of the purported prosecutor, the lack of RFC-822 service metadata, and the misattribution of third-party data, culminating in the FCA's total non-compliance with the January 3, 2026, production deadline.

The Pro Se Litigant and the Constitutional Shield of Article 6 ECHR

The status of a pro se litigant within the high-stakes environment of the Court of Appeal necessitates a rigorous application of Article 6 of the European Convention on Human Rights (ECHR). Article 6 provides an autonomous statement of an individual's entitlement to a fair trial, a right that is fundamental to the rule of law and the democratic process. For the Appellant, who acts as a litigant in person, the court must ensure 'equality of arms,' meaning a fair balance between the opportunities given to both parties. This principle is not merely a procedural courtesy but a constitutional mandate that requires the state to provide effective access to justice, particularly when a defendant faces the full investigative and prosecutorial weight of a statutory regulator.

In the determination of criminal charges, the ECHR requires that the defendant be informed promptly and in detail of the nature and cause of the accusation. This right has been systematically undermined by the FCA through the use of ambiguous orders and the withholding of forensic schedules. The 'equality of arms' mandate, established in cases such as *Edwards v United Kingdom* (2002), imposes a positive obligation on the national authorities to protect the fairness of the trial by disclosing all material evidence, including that which might undermine the prosecution's case. The FCA's failure to produce service logs and authority instruments constitutes a direct breach of these minimum rights.

Furthermore, the court must recognize that the Appellant's right to self-representation under Article 6(3)(c) is a constituent element of the broad guarantees of a fair trial. When a regulator uses its administrative powers—such as the issuance of a General Civil Restraint Order (GCRO)—to bar a pro se litigant from accessing the appellate courts, it creates a 'legal firewall' that violates the very essence of Article 6. Such measures are not proportionate and represent an abuse of rights under Article 17 of the ECHR, as they are used not for their stated purpose but to silence a whistleblower and prevent the judicial review of a jurisdictional nullity.

Judicial Obstruction: The Court of Appeal's Administrative Silence

A critical escalation in this matter is the current posture of the UK Court of Appeal (Criminal Division). Despite the Appellant serving a comprehensive appeal bundle and a Formal Protest upon the Criminal Appeal Office on January 5, 2026, the Court has failed to provide any response, acknowledgement, or directions.

This "administrative silence" is identified as a strategic attempt by the court system to ignore the Appellant's right to a fair trial in order to protect the Financial Conduct Authority from the exposure of its jurisdictional failures. This conduct constitutes "excessive formalism" used to block the exhaustion of domestic remedies, which is a direct violation of Article 6 and Article 13 ECHR. The Court of Appeal's refusal to put the case before a judge or acknowledge the established non-compliance of the FCA confirms that the UK judiciary is no longer an impartial arbiter but is complicit in the institutional targeting of the Appellant.

The Statutory Mandate Failure: Locus Standi and the Phantom Prosecutor

The most critical 'Technical Knockout' point in this case is the failure of the FCA to establish the lawful standing of the individual instituting the proceedings. Under Section 401(1) of the Financial Services and Markets Act 2000 (FSMA), proceedings for offenses under the Act may only be instituted by the FCA, the PRA, the Secretary of State, or a person formally authorized by them. This is a statutory condition precedent. If the prosecutor lacks this formal delegation, the proceedings are *ultra vires* and void *ab initio* under the principles of *Anisminic Ltd v Foreign Compensation Commission*.

The purported prosecutor in this matter is identified as "Alistair Mackenzie" (or "Alastair Mackenzie") of the FCA's Criminal Prosecutions Team. However, forensic audits and public record searches have identified a complete 'verification gap' regarding this individual's authority to act.

Comparative Analysis of Purported Prosecutorial Identity

The following table summarizes the conflict in identities and the lack of verifiable authority for the individual conducting the prosecution:

Name	Affiliation	Role and Authority Status	Verification Status
Alastair Evan Mackenzie	FCA Register	Appointed Representative (AR). Authorized for client-facing advisory services only. No enforcement or prosecutorial authority.	Verified AR since 23 Dec 2024. No prosecutorial delegation found.
Alasdair Hamish Mackenzie	Doughty Street Chambers	Barrister in immigration and public law. No connection to financial regulation or FCA prosecutions.	Verified barrister. No record of FCA appointment.
Alistair Mackenzie (Placeholder)	FCA Legal Filings	Listed as a prosecutor in Order 34/2023. No staff profile, biography, or record of delegation.	No verifiable record. Presumed legal fiction or administrative placeholder.

The FCA has a documented history of operating through opaque administrative structures to deflect personal liability. If the name "Alistair Mackenzie" is being used without formal delegation or employment, it constitutes fraud by false representation under Section 2 of the Fraud Act 2006 and the impersonation of a public officer. Under the doctrine of collateral challenge established in *Boddington v British Transport Police*, the Appellant is entitled to challenge the underlying lawfulness of the prosecutor's authority as a total defence to contempt. The FCA's failure to produce an instrument of delegation by the January 3, 2026, deadline confirms that no such authority exists. Without a verified prosecutor, the court's jurisdiction was never lawfully triggered, rendering all subsequent orders, including the 12-month sentence, a nullity.

The "Minister of Justice" Failure and the Spoliation of Candour

A public prosecutor in the United Kingdom does not act as a standard litigant; they are a 'Minister of Justice' with an absolute duty of candour and a responsibility to ensure that the court is not misled. This duty requires the prosecutor to act with the highest standards of integrity, placing the public interest and the fairness of the trial above the agency's desire for a conviction. The FCA has systematically violated this duty in its pursuit of the Appellant.

In the context of 'The Art of Legal Warfare,' the failure to meet the standards of a Minister of Justice provides a 'sniper shot' that kills the case more effectively than the substantive allegations. The 'Presumption of Regularity' that the court grants to public authorities is predicated on their compliance with this duty of candour. The FCA's conduct in this case demonstrates a pattern of bad faith, including:

1. **Suppression of Jurisdictional Authority:** The FCA has failed to disclose the instrument of delegation for the unverified "Alistair Mackenzie," concealing the fact that the prosecution was instituted without statutory authority.
2. **Technical Fraud of Service:** By withholding RFC-822 metadata, the FCA has actively concealed that their primary vector for service—the email "iain@mtrxf.org"—was non-operational and resulted in "non-delivery" responses.
3. **Bad Faith Regulatory Disclosure:** As documented in *UK Innovative TI Limited and Iain Clifford Stamp v The Financial Conduct Authority* UKUT 0136 (TCC), the FCA has a proven history of publishing unredacted, "unfounded allegations" to destroy the Appellant's commercial standing while simultaneously admitting in private that they were *not* investigating him for breaches of the general prohibition.

The duty of candour requires the disclosure of information that assists the defendant's case or provides additional grounds for challenge. By withholding the technical metadata for service and the forensic schedules for asset dissipation, the FCA has actively suppressed exculpatory evidence. This systematic failure rendering a fair trial impossible should, under the 'Full Code Test,' lead any lawful authority to discontinue a case where the prosecutor has tampered with the integrity of the evidence file.

The "Unclean Hands" Doctrine and the HBOS Reading Fraud Vendetta

The equitable doctrine of 'Unclean Hands' dictates that a party cannot seek the court's assistance to enforce its claims if its own conduct in the matter is tainted by bad faith or illegality. The FCA's case against the Appellant is the culmination of a decade-long vendetta designed to suppress the exposure of the regulator's own complicity in the £1 billion HBOS Reading fraud.

The HBOS Reading fraud ruined hundreds of small businesses and livelihoods, yet the FCA, the Bank of England, and the Serious Fraud Office failed to act on extensive evidence of forged documentation and fraudulent audits. The Anthony Stansfeld Report and the All-Party Parliamentary Group (APPG) findings have documented the FCA's pattern of ignoring whistleblower evidence and enabling regulatory entrapment.

The Arck Estrella Whistleblowing (2011-2015)

In 2011, the Appellant, serving as a pensioneer trustee for Hampton Dean pensions, provided the FSA with a comprehensive whistleblowing report identifying the Ponzi-style mechanisms employed by Richard Aston Clay and Catherine Clarke. This intelligence provided the regulator with a clear roadmap to freeze assets and prevent further solicitation of investor funds. However, the FCA maintained a state of paralysis for four years, allowing millions of pounds in avoidable losses to accumulate until the perpetrators were finally sentenced in 2015. Instead of recognizing this contribution, the FCA initiated a retaliatory campaign against the Appellant, using the period of their own inaction to target him for his initial whistleblowing.

ECCLESIA LAW

The 2017 Precursor: UKITI and the Stargate Isolation Strategy

The catalyst for the current proceedings was the FCA's role in the cover-up of the £40 billion balance sheet hole identified in the suppressed Turnbull Report. The FCA's 'Unclean Hands' are further evidenced by a long-term strategy of commercial sabotage and legal isolation:

- **The Paresh Shah/Stargate Bribe:** As part of this vendetta, the FCA utilized a settlement with Stargate Capital Management Ltd and Stargate Corporate Finance Limited to isolate the Appellant. It is alleged the FCA bribed Paresh Shah to cease all communication with the Appellant in exchange for enabling Shah to continue his business with limited permissions—a strategic "divide and conquer" tactic designed to neutralize the Appellant's commercial support.
- **The Ghaffur-O'Keefe "Smoking Gun":** Evidence of the FCA's bad faith is provided by the Ghaffur-O'Keefe Report, commissioned by Simon Goldberg. The report's abstract explicitly states it was "written to assist FINANCIAL CONDUCT AUTHORITY investigators" in their pursuit of the Appellant, confirming that Goldberg and his syndicate act as de facto agents and informants for the regulator.

Escalation to International Courts: The Transatlantic Pincer

Due to the systematic denial of justice and the "legal firewall" constructed by the UK judiciary, the Appellant is escalating this matter to the highest international forums.

The US Federal Strike: FCA, Neidle, Goldberg, Marshall, and BullionVault

The Appellant has activated the **Equaliser Redress Protocol**, filing a $100,000,000 federal claim in the United States (Wyoming/Northern District of Texas). In this forum, the **Financial Conduct Authority (FCA)** is joined as a primary defendant alongside its de facto agents **Dan Neidle**, **Simon Goldberg**, **Simone Marshall**, and **BullionVault Limited**.

- **Religious Persecution:** The US litigation frames the campaign as prohibited religious intolerance under the First Amendment, targeting the protected spiritual ministry of the Republic of Old Souls (ROS). The characterization of doctrinal "Great Escape Protocols" as "scams" violates the "ministerial exception" and the "church autonomy doctrine".
- **Unlawful Conversion and Market Loss: BullionVault Limited** is joined for its role in the unlawful conversion of approximately £400,000 in physical gold and silver to cash in June 2023, purportedly acting under the void Order 34/2023. By maintaining the balance in cash while the market value of gold and silver skyrocketed—with gold rising from approximately £1,537 per ounce in June 2023 to over £4,000 per ounce by March 2026—BullionVault has caused the Appellant catastrophic financial loss and a deprivation of the "peaceful enjoyment of property".
- **Misfeasance and Malice:** The defendants inherit liability for the fifteen-year vendetta and the procedural nullities of Order 34/2023. The use of digital propaganda to cause injury in the United States triggers personal jurisdiction under the "Calder Effects Test", bypassing UK SLAPP protections.

ECCLESIA LAW

The ECHR Strike: The FCA and the UK Court System

Simultaneously, the Appellant is petitioning the **European Court of Human Rights (ECHR)**. In this forum, the defendants are the **FCA** and the **UK court system** itself.

- **Article 6 and 13 Violations:** The petition cites the Court of Appeal's administrative silence and the use of the General Civil Restraint Order to block access to effective remedy. The ECHR is called to review the "systemic persecution" and "procedural fraud" utilized by the Crown to silence a documented whistleblower.

Entrapment by Design: The Procedural Abuse of Order 34/2023

Order 34/2023, the all-assets restraint order made by Judge Baumgartner on June 7, 2023, is the primary instrument of the FCA's procedural abuse. This order was 'Entrapment by Design'—engineered to be impossible to comply with and intended to manufacture a civil contempt conviction in the absence of any evidence of a substantive crime.

The order was granted *ex parte* without any evidence that the Appellant or the MATRIXFREEDOM Private Members' Association (PMA) were engaging in regulated financial activities. The FCA has consistently ignored over 500 sworn member affidavits confirming that no regulated services were ever provided. Instead, the FCA manufactured a narrative of unauthorized activity, ignoring the lawful distinction between a private educational forum and a regulated financial firm.

The Mechanics of Judicial and Regulatory Entrapment

The entrapment strategy mirrors that used in the case of Martin Armstrong, where procedural weapons were used to imprison a defendant for contempt without a substantive conviction. The procedural abuse of Order 34/2023 includes:

- **Impossible Terms:** The order imposed a constructive trust with reporting requirements that were contradictory and ambiguous, ensuring that any attempt at compliance could be framed as a breach.
- **Denial of Representation:** The court's forced removal of the Appellant's Attorney-in-Fact, David Ayerst, was a strategic act to deny the Appellant his right to challenge jurisdiction and assert his rights as a living man.
- **Fabrication of Dissipation:** The 12-month custodial sentence was based on claims of 'asset dissipation' that lacked any transaction-by-transaction nexus to 'realisable property' within the order's scope.
- **Ouster of Appeal:** The use of the GCRO to prevent the Appellant from appealing the 16 July and 30 July 2025 judgments is a denial of Article 13 ECHR and a hallmark of belief-based persecution.

ECCLESIA LAW

The Forensic Failure of Electronic Service and RFC-822 Metadata

The second pillar of the jurisdictional nullity is the technical failure of service. On March 27, 2025, the Crown obtained an order for alternative service via the email address "iain@mtrxf.org". The Appellant has established through sworn testimony and forensic reports that this service was void.

The Metadata and Operational Vector Failures

Under the principles of 'The Art of Legal Warfare,' a technical failure in service is as lethal as a lack of authority. The court never gained jurisdiction over the Appellant for the following reasons:

- **Non-Operational Vector:** The mailbox iain@mtrxf.org was not in service during 2024 and 2025. Any emails sent by the FCA would have resulted in an Email Non-Delivery Response (NDR) or 'bounce-back' notification.
- **Ownership Defect:** The domain mtrxf.org was neither owned nor controlled by the Appellant; he was merely granted temporary usage for outbound communications.
- **Missing RFC-822 Headers:** To prove valid electronic service, the FCA must provide machine-readable RFC-822 headers—the 'digital fingerprints' that prove origin, routing, and successful delivery to a verified recipient.
- **Lack of SMTP Logs:** The FCA has failed to provide SMTP server logs that would verify the 'handshake' between servers.

Without technical metadata proving delivery to a verified, operational address, the service is legally non-existent. If service is void, the court lacked the jurisdiction to find the Appellant in contempt for a notice he technically and legally could not receive. The FCA's silence regarding the demand for these RFC-822 headers confirms that their own logs show delivery failures.

The Misattribution of Data and the Nexus Test Failure

The substantive basis for the FCA's investigation and the subsequent sentence rests on the misattribution of third-party data. The FCA's Fifth Six-Monthly Report (4 Dec 2025) claims the review of "43,000 financial transactions" as evidence of the Appellant's conduct. However, forensic analysis reveals that this dataset has no legal nexus to the Appellant.

Property Attribution and Data Ownership Analysis

The following table summarizes the misattribution of the 'Chessington Boxes' data:

Dataset / Material	Actual Owner / Source	Regulatory Context
43,000 Transactions	Authorized Firms: Strax Capital Legal, Lightside Financial	Firms are licenced with the FCA; data is part of authorized workflows.
50,300 Digital Items	CS Insight Ltd (Matthew Fanthom), SENJ Seychelles (Terrence Franks)	Seized from premises not leased by the Appellant or his companies.
$320,000 "Dissipation"	Overseas Business Accounts	Accounts are outside the territorial scope and situs of Order 34/2023.

The FCA has co-mingled the Appellant's personal records with the administrative and mortgage-DSR workflows of authorized third-party firms. When the FCA offered to return the seized materials to the Appellant, he correctly identified that the documents were not his and should be returned to their rightful owners. The '43,000 transactions' headline is a manufactured volume designed to create a false impression of unauthorized activity, while the FCA simultaneously admits that after five years, the investigation remains 'pre-charge' with no particularized FSMA act identified.

The sentence's heaviest component—the 8-month limb for dissipating $320,000—rests on a failure of particularization. The judgment identifies no accounts, no situs, and no transaction-by-transaction nexus to 'realisable property'. This failure of proportionality and evidence renders the contempt findings unsafe.

The January 3, 2026, Deadline and the Wisniewski Principle

The final 'Technical Knockout' in this case is the FCA's total non-compliance with the Consolidated Notice to Produce served on December 20, 2025. This notice established a 14-day deadline, expiring on January 3, 2026, for the FCA to rebut the foundational defects in its case. As of the date of this report, the FCA has provided none of the required materials, most critically the instrument of delegation for Alistair Mackenzie and the RFC-822 headers for service.

The Mandate for Adverse Inferences

Under the principle of *Wisniewski v Central Manchester Health Authority* and *Efobi v Royal Mail Group Ltd*, the Court of Appeal is invited to draw adverse inferences from the FCA's silence. Where a party fails to produce evidence that is reasonably expected to be within its control, the court may infer that the evidence would be unfavourable to that party's case.

The court is invited to draw the following inferences:

- **On Authority:** That no valid instrument of appointment exists for "Mackenzie," rendering the entire prosecution *ultra vires*.
- **On Service:** That the FCA cannot produce delivery receipts because the target mailbox was non-operational.
- **On Evidence:** That the '43,000 records' and the '$320,000 dissipation' claims provide no evidence of regulated activity by the Appellant personally.

Conclusion: The Imperative for a Technical Strike Out

The forensic analysis conducted in this report confirms that the FCA's case against the Appellant is a jurisdictional nullity. The application of 'The Art of Legal Warfare' strategy has exposed that the "incidental" issues of prosecutorial authority, technical service, and data attribution are the fastest and most lethal routes to victory for the defence.

The 'Technical Knockout' is achieved through the following domino effect:

1. **No Lawful Prosecutor:** The verification gap for Alistair Mackenzie means the court's jurisdiction was never triggered under FSMA s.401.
2. **No Lawful Service:** The non-operational email vector and missing RFC-822 metadata mean that the Appellant received no effective notice, and the court lacked personal jurisdiction.
3. **No Admissible Evidence:** The misattribution of data from authorized firms means there is no nexus between the transactions and the Appellant's conduct.

The intervention of international courts is now necessary to prevent a manifest miscarriage of justice and to confirm that the Queen's Courts will not be used as instruments of regulatory vendetta and procedural fraud.